

**IOWA BOARD OF MEDICINE
REGULARLY SCHEDULED MEETING: OCTOBER 15-16, 2015**

A G E N D A^{1, 2, 3, 4, 5}

BOARD MEMBERS: Hamed Tewfik, M.D., Chairperson; Allison Schoenfelder, M.D., Vice Chairperson; Ronald Cheney, D.O., Secretary; Julie Carmody, M.D.; Diane Clark; Diane Cortese; Mary Jo Romanco; Kyle Ulveling, M.D.; Charles Wadle, D.O.

THURSDAY, OCTOBER 15, 2015

7:30 a.m. **EXECUTIVE COMMITTEE – Medical Conference Room B**
Chair Tewfik, Cheney, Clark, Schoenfelder

8:00 a.m. **SCREENING COMMITTEE – Board Room**
Chair Carmody, Cortese, Romanco, Ulveling, Wadle

9:00 a.m. **MONITORING COMMITTEE – Board Room**
Chair Schoenfelder, Cheney, Ulveling, Wadle

9:00 a.m. **LICENSURE COMMITTEE - Medical Conference Room B**
Chair Clark, Carmody, Cortese, Romanco, Tewfik

OPEN SESSION - Board Room
Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder,
Ulveling, Wadle

CLOSED SESSION¹ - Board Room
Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder,
Ulveling, Wadle

LUNCH BREAK

CLOSED SESSION¹ - Board Room
Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder,
Ulveling, Wadle

OPEN SESSION - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

CLOSED SESSION¹ - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

OPEN SESSION - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

A. Unlicensed Practice of Medicine Cases

B. Vote on Closed Session Cases

FRIDAY, OCTOBER 16, 2015

8:00 a.m. -

OPEN SESSION - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

CLOSED SESSION¹ – Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

OPEN SESSION - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

A. Vote on Closed Session Cases

9:00 a.m. -

OPEN SESSION/PUBLIC MEETING^{3,5} - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

A. Roll-call to establish quorum; acknowledge absent Board members

B. Opportunity for public comments⁵
(Public can make comments now or when specific agenda items are addressed.)

C. Board Minutes for Consideration of Approval

1. August 27-28, 2015, meeting (Open & Closed)

D. Chair's Report

E. Executive Director's Report

F. Administrative Rules

1. Proposed Notice of Intended Action - Amendment to 653 IAC Chapter 13, "Standards of Practice and Principles of Medical Ethics," to implement SF462, which allows schools to stock an epinephrine auto-injector supply.

2. Proposed Notice of Intended Action - Amendment to IAC 653 Chapter 17, "Licensure of Acupuncturists," to update the rule.

3. For Information Only - Dry needling/intramuscular manual therapy. Iowa Association of Oriental Medicine and Acupuncture has petitioned the Iowa Board of Physical Therapy and Occupational Therapy to issue a declaratory order defining dry needling/intramuscular manual therapy as a form of acupuncture and not within the legal scope of practice of physical therapy and occupational therapy.

4. For Information Only - Relinquishment of license to practice.

The notice of intended action was published in the Administrative Bulletin on October 14, 2015, and a public hearing will be held at 11 a.m. November 10, 2015, at the Board's office.

5. For Information Only - Mammography reports. Proponents of more detailed mammography reports to patients with dense breast tissue will present their proposals to the Board at the October 15-16 meeting.

6. For Information Only - Medical aesthetic services. The Board of Cosmetology Arts and Sciences is seeking comments on a proposal to amend their rule to incorporate by reference the definitions and regulations related to the practice of medical aesthetic services within medical spas as promulgated by the Board of Medicine.

G. Petition to promulgate, amend or repeal a rule, pursuant to Iowa Code 17A.7 and 653 IAC Chapter 1.7

1. For Information Only. The Board on September 10, 2015, formally issued an order denying a petition seeking to amend 653 IAC Chapter 23, "Grounds for Discipline," concerning sexual misconduct allegations.

H. Report on subcommittees of the Boards of Medicine and Physician Assistants.

1. For Information Only. Status of joint rules to establish specific minimum standards or a definition of appropriate supervision of physician assistants, as required in Division XXXI of SF505.

I. Electronic Death Registration System

1. Report from Iowa Medical Society (Dennis Tibben, IMS)
2. Update on system performance, access to system via a mobile app (Melissa Bird, IDPH)

J. Interstate Medical Licensure Compact

1. Commission's inaugural meetings October 27-28 2015, in Chicago.
2. Status of compact legislation in Midwest

K. 2016 legislation

L. Annual review of fees

M. Judicial Review/Legal Update

1. Planned Parenthood of the Heartland and Jill Meadows v. BOM – Board and individual members for violations of section 1983.
2. Smoker v. BOM, No. 14-1259. Appeals Court affirms Board's motion to dismiss claims for drug-screening expenses. Smoker filed an application for further review with the Supreme Court on 7/14. Filed a resistance on behalf of the Board on 7/24. Awaiting ruling.
3. Butt v. BOM , No. 15-1201 District Court upholds Board's decision to suspend physician's license. Appealed to Supreme Court. Briefing schedule has been issued. Butt's brief due 9/16 and Board's brief due 10/16.
4. Butt v. Board of Medicine No. 14-1764, fully briefed to Supreme Court. Awaiting either oral argument date or decision by the Court if it does not grant oral argument.
5. Rabi v. BOM (challenging contested case decision) – Briefing and oral argument held on motion to stay. Court denied Rabi's request for a stay. Awaiting briefing schedule.
6. Rabi v. BOM – (challenging decision not to redact witness names) Answer filed. Briefing schedule issued. Rabi's brief due 9/7; Board's brief due 9/21.
7. Risk v. BOM – (challenging Board's denial of his request for rehearing) Answer filed. Then awaiting briefing schedule.
8. Fleming v. Board of Medicine No. 14-0975 - awaiting Fleming to file an appropriate appendix.

N. Federation of State Medical Boards

1. Nominations for FSMB Board and Nominating Committee
2. Appointments to FSMB Committees

O. Iowa Physician Health Committee/Program

- a. Program update

P. Reports & Articles

1. *Rude Comments Damage Medical Team Performance*, Anne Harding, Reuters Health News, August 12, 2015.
2. *Study: Most Americans will get at least one wrong diagnosis*, Lena H. Sun, Washington Post, September 23, 2015.

Q. Monitoring Committee

R. Licensure Committee

S. Screening Committee

CLOSED SESSION¹ - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romano, Schoenfelder, Ulveling, Wadle

OPEN SESSION - Board Room

Chair Tewfik, Carmody, Cheney, Clark, Cortese, Romanco, Schoenfelder, Ulveling, Wadle

A. Vote on Closed Session Cases

ADJOURN

If there is no further business to conduct, the chairperson will declare the meeting adjourned.

(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2015 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (c), (d), (f) and (g) of the 2015 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2015.

(3) Public agenda materials are available via e-mail. Contact Alicia.Hill@iowa.gov.

(4) The Iowa Board of Medicine may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.

- **The next scheduled Board meeting is Thursday and Friday, December 10-11, 2015, at the Coralville Marriott Hotel & Conference Center located at 300 E 9th St, Coralville, IA 52241.**

If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.